

UNITED STATES DISTRICT COURT

for the  
Eastern District of Tennessee

United States of America

v.

MEGAN RICE

Case No. 3:12-mj-1130

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 28, 2012 in the county of Anderson in the  
Eastern District of Tennessee, the defendant(s) violated:

Code Section

18 U.S.C. Section 1363

Offense Description

At a place within the special maritime and territorial jurisdiction of the United States, namely, the United States Department of Energy, National Nuclear Security Administration, Y-12 National Security Complex, defendant did willfully and maliciously destroy and injure, or attempt to destroy or injure, any structure, conveyance, or other real or personal property within the Y-12 National Security Complex.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT ERIC DUGGER, WHICH IS  
INCORPORATED HEREIN BY REFERENCE.

☒ Continued on the attached sheet.




Complainant's signature

Special Agent Eric Dugger

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/03/2012



Judge's signature

City and state: Knoxville, Tennessee

Magistrate Judge C. Clifford Shirley, Jr.

Printed name and title

AFFIDAVIT

1. I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief: I am a Special Agent of the Office of Inspector General for the United States Department of Energy (DOE). As part of my official duties, I investigate crimes against DOE facilities.

2. I am familiar with the facts and circumstances set forth in this affidavit as a result of my personal knowledge from participation in this investigation, as well as information provided to me by security police officers authorized to provide security for the Y-12 National Security Complex.

3. The Y-12 National Security Complex (Y-12 Complex) is located in Oak Ridge, Tennessee. The Y-12 Complex is a facility of the United States Government subject to the jurisdiction, administration, and in the custody of the United States Department of Energy. The Y-12 Complex is the nation's production facility for many nuclear weapons' components. *IT IS A PLACE WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES, NAMELY, THE UNITED STATES DEPARTMENT OF ENERGY. (ED) (U)*

4. The Y-12 Complex consists of 811 acres containing approximately 502 buildings. The buildings that are within the "Protected Area" are surrounded by a series of eight-foot high "perimeter intrusion detection and assessment system" (PIDAS) security fences. The PIDAS security fences are posted with signs that state, "Danger: Halt! Deadly force is authorized beyond this point." Inside the "Protected Area," deadly force may be used in response to any intruders.

5. The "Protected Area" in the Y-12 Complex is also enclosed by another fence which is beyond the "PIDAS" security fences. The fence beyond the "PIDAS" security fences is the 229 boundary fence. The 229 boundary fence has 10" X 14" signs posted at close intervals along the perimeter barrier stating: "No Trespassing." These signs also indicate that unauthorized entry is punishable by up to a \$100,000 fine and 1 year imprisonment. On July 28, 2012, these perimeter fences served to warn and deter the public from unauthorized access to the Y-12 Complex.

6. On July 28, 2012, based on my investigation, MICHAEL R. WALLI, GREG BOERTJE-OBED, and MEGAN RICE did willfully and without authorization enter the enclosed property of the Y-12 Complex by crossing the 229 boundary fence near the North patrol road on the North ridge of the Y-12 Complex property.

7. According to my investigation, WALLI, BOERTJE-OBED and RICE traveled up a partially wooded hill to reach the 229 boundary fence on the North ridge of the Y-12 Complex property. WALLI, BOERTJE-OBED and RICE then traveled approximately 600 meters on foot from the 229 boundary to the first eight-foot tall PIDAS security fence. Their path would have crossed over Bear Creek Road.


8. Bear Creek Road runs from the east entrance of the Y-12 Complex to the west entrance of the Y-12 Complex. Bear Creek Road is frequently traveled by employees. Bear Creek Road is within approximately 150 yards of the Highly Enriched Uranium Materials Facility (HEUMF).

9. Once they reached the first PIDAS security fence, WALLI, BOERTJE-OBED and RICE passed through that fence by cutting it with bolt cutter tools, prying the cut fence open, and crawling through the cut portion. While traveling between the fences, WALLI, BOERTJE-OBED and RICE activated numerous alarms and sensors. At the next PIDAS security fence they reached, WALLI, BOERTJE-OBED and RICE again used bolt cutter tools to cut and damage the fence, they pried it open and crawled through. When cutting the fence, they also severed alarm wires. WALLI, BOERTJE-OBED and RICE repeated his procedure a third time, cutting, damaging and entering through the final PIDAS security fence into the "Protected Area."

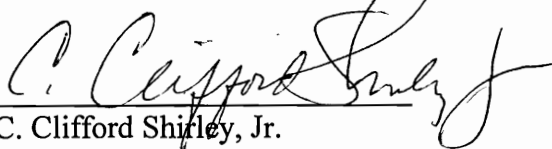
10. Once inside the barrier and all of the perimeter fences, WALLI, BOERTJE-OBED and RICE maliciously defaced and injured a Y-12 Complex building, the HEUMF, by applying paint to the exterior. They painted the phrases "Woe to the empire of blood," "the fruit of justice is peace," and "Plowshares pleases Isaiah" on the exterior wall of the building. WALLI, BOERTJE-OBED and RICE also threw blood on the exterior wall of the HEUMF. They left numerous empty containers and trash on the ground outside the building, as well.

11. When security officers apprehended WALLI, BOERTJE-OBED and RICE, the officers found two flashlights, a set of binoculars, red "danger" tape, a backpack, two sets of bolt cutter tools, three hammers, six cans of spray paint, candles, flowers, seeds, plastic zip ties, matches, gloves, a "Plowshares" banner, a Bible, bread and copies of a letter. The letter stated, in part, "We come to the Y-12 facility because our very humanity rejects the designs of nuclearism, empire and war. Our faith in love and nonviolence encourages us to believe that our activity here is necessary; that we come to invite transformation, undo the past and present work of Y-12; disarm and end any further efforts to increase the Y-12 capacity for an economy and social structure based upon war-making and empire-building." The letter was signed by WALLI, BOERTJE-OBED and RICE.

12. Based upon the foregoing information, your affiant believes that there is probable cause to believe that MICHAEL R. WALLI, GREG BOERTJE-OBED and MEGAN RICE have violated Title 18, United States Code, Section 1363.

  
Eric Dugger, Special Agent

Sworn to and subscribed before  
me this 3<sup>rd</sup> day of August 2012

  
C. Clifford Shirley, Jr.  
United States Magistrate Judge  
Eastern District of Tennessee